

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #9	CCRB Case #: 201804387	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 06/01/2018 6:50 AM	Location of Incident: § 87(2)(b)	Precinct: 23	18 Mo. SOL 12/1/2019	EO SOL 12/1/2019	
Date/Time CV Reported Mon, 06/04/2018 11:58 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 06/04/2018 11:58 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Christopher Derco	14560	946917	023 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Christopher Derco	Abuse: Police Officer Christopher Derco entered § 87(2)(b) in Manhattan.	§ 87(2)(b)
B.POM Christopher Derco	Abuse: Police Officer Christopher Derco searched § 87(2)(b) in Manhattan.	§ 87(2)(b)

### Case Summary

On June 4, 2018, § 87(2)(b) filed this complaint with the CCRB via telephone on behalf of his mother, § 87(2)(b) was not present during the incident.

At approximately 6:50 a.m. on June 1, 2018, officers from the 23<sup>rd</sup> Precinct a search warrant at § 87(2)(b) and § 87(2)(b) home at § 87(2)(b) § 87(2)(b), in Manhattan. The warrant had been obtained by PO Christopher Derco of the 23<sup>rd</sup> Precinct. The officers forcibly entered the apartment and searched two of the bedrooms inside (**Allegation A: Abuse of Authority – Entry of premises, § 87(2)(g); Allegation B: Abuse of Authority – Search of premises, § 87(2)(g)**). Several items, including a manilla envelope, a sword and a bat, were removed from the apartment. Nobody was arrested during this incident.

No video footage was found for this incident.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Christopher Derco entered § 87(2)(b) in Manhattan.**

**Allegation (B) Abuse of Authority: Police Officer Christopher Derco searched § 87(2)(b) in Manhattan.**

On August 1, 2018, § 87(2)(b) was interviewed at § 87(2)(b) § 87(2)(b) in Manhattan (See Board Review #01: § 87(2)(b) Statement). She stated that on the morning of June 1, 2018, § 87(2)(b) was asleep in her bedroom. She was the only person in the apartment at the time. § 87(2)(b) bedroom is located at the end of a hallway. Two other bedrooms are positioned along the hallway. One of these bedrooms is occupied by § 87(2)(b). The other was formerly occupied by another of § 87(2)(b) sons. § 87(2)(b) was using the second bedroom to store some of his clothes. At approximately 6:50 a.m., § 87(2)(b) heard a banging on the apartment's front door. Several ESU officers carrying rifles then entered the apartment and walked up to the entrance of § 87(2)(b) bedroom. § 87(2)(b) had not seen the officers enter the apartment, but observed that the front door had been damaged. The ESU officers asked § 87(2)(b) where § 87(2)(b) was. She replied that § 87(2)(b) was not home. The ESU officers then left. A group of unidentified plainclothes officers entered the apartment and told § 87(2)(b) to stay in her bedroom. Two of these officers attempted to enter § 87(2)(b) bedroom, but found that the door was locked. The officers forced the door open and went inside. From her bedroom, § 87(2)(b) observed the two plainclothes officers search § 87(2)(b) closet by removing all of his clothing and examining the clothing's pockets. The officers then entered the unoccupied bedroom, which was not locked. The officers searched through the clothing in the unoccupied bedroom as well. The officers did not enter or search any other areas in the apartment. The officers removed a crate from the bedrooms. § 87(2)(b) did not see what was in the crate, but did see that a manilla envelope protruded from the top of the crate. § 87(2)(b) told the officers that they were not allowed to search the apartment without a warrant. One of the officers told § 87(2)(b) that they did have a warrant. The officer showed her a piece of paper with writing on it. § 87(2)(b) did not recall what it said or if it was a warrant, but noted that the paper had both her address and § 87(2)(b) name written on it. The police remained at the apartment for approximately two hours in order to wait for a repairman to

come to the apartment and fix the damage to the door. The police left once the door was recovered. Later in the day, § 87(2)(b) returned to the apartment. After examining his bedroom, he found that a sword and a bat that he kept there were gone. § 87(2)(b) assumed that the police had seized both items.

A search warrant for § 87(2)(b) § 87(2)(b), was obtained by PO Christopher Derco of the 23<sup>rd</sup> Precinct on § 87(2)(b) (See Board Review #02: Search Warrant). The warrant was signed by Judge § 87(2)(b) of the New York County Criminal Court. The warrant gave permission for officers to forcibly enter and search the apartment within ten days of the issuance of the warrant, between the hours of 6:00 a.m. and 9:00 p.m., without giving notice. The warrant was obtained in order to search the apartment for heroin, drug paraphernalia, US currency, as well as written and electronic devices documenting the sale of narcotics. The warrant did not limit the scope of the search to any particular areas within the apartment. The warrant also gave permission for officers to search the person of § 87(2)(b).

An officer may enter and search a private residence provided that they obtain a lawful search warrant. The officers may only search the areas within the residence specified by the warrant. US v. Voustianiouk, 685 F.3d 2006 (2d. Cir., 2011) (See Board Review #03: Legal Reference).

§ 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED].

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) or § 87(2)(b) has been a party (See Board Review #04: Civilian CCRB Histories).
- PO Derco has been a member of the service for ten years and has been a subject in six previous CCRB complaint and eighteen allegations, of which three were substantiated.
  - 201003003 involved substantiated allegations of retaliatory summons. The Board recommended that he receive charges. The NYPD imposed instructions.
  - 201104579 involved substantiated allegations of stop and frisk. The Board recommended that he receive a command discipline. The NYPD took no disciplinary action.
  - § 87(2)(g) [REDACTED]  
[REDACTED]

#### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- A Notice of Claim request was submitted to the NYC Office of the Comptroller on October 24, 2018. It will be included in the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]  
[REDACTED]

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date